

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DIANNA J. JONES

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:16cv204-LG-RHW

MILITARY DELI BAKERY SERVICE

DEFENDANT

REPORT AND RECOMMENDATION

Before the Court is [2] the *pro se* Plaintiff's motion to proceed *in forma pauperis* (IFP) in this employment discrimination lawsuit. The granting or denying of leave to proceed IFP is left to the sound discretion of the District Court. *Willard v. U.S.*, 299 F.Supp. 1175, 1177 (N.D. Miss. 1969), *aff'd*, 422 F.2d 810 (5th Cir. 1970). Leave to proceed *in forma pauperis* is a privilege, not a right. *Evensky v. Wright*, 45 F.R.D. 506, 507-08 (N.D. Miss. 1968).

Plaintiff indicates in her IFP application that three grandchildren rely on her for support, but that she has had no income for the past twelve months. She states her husband who is in the military, earns gross monthly pay of \$9020.00, and that they have total monthly expenses of \$3800.00 consisting of \$1500.00 for rent/home mortgage (including taxes and insurance), \$600.00 for food, \$250.00 for clothing, \$75.00 for laundry and dry-cleaning, and \$375.00 for life insurance, and installment payments of \$600.00 for motor vehicle, \$300.00 for an unidentified credit card, and \$100.00 for a department store. In addition, Plaintiff lists other assets of \$200.00 in a checking account, a home valued at \$98,000.00, and two motor vehicles, a 2014 Ford F150 and a 2016 Nissan Pathfinder, for which she states no values.

RECOMMENDATION

Because the information provided indicates that Plaintiff can pay the required filing fee, the undersigned recommends that her motion for leave to proceed IFP be denied.

NOTICE OF RIGHT TO APPEAL/OBJECT

After service of a copy of a Report and Recommendation, a party has 14 days to serve on the other parties, submit to the assigned District Judge, and file with the clerk of court his written objections to the Report and Recommendation, specifically identifying the findings, conclusions, and recommendations to which he objects. The District Court need not consider frivolous, conclusive, or general objections. After service of objections, opposing parties have seven days to either serve and file a response or notify the District Judge that he does not intend to respond to the objection. Except on grounds of plain error, a party cannot attack on appeal any proposed factual finding or legal conclusion accepted by the District Court to which he did file timely objections. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

Signed, this the 17th day of June, 2016.

/s/ Robert H. Walker
ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE